

GENERAL INFORMATION

An Overview of the Adult Day Care Food Program

The Adult Day Care Food Program (ADCFP) is available to public or private nonprofit organizations, or certain for-profit organizations, who provide nonresidential day care services to functionally impaired adults or adults who are 60 years of age or older. Examples of adult day care facilities that may participate are adult day care centers, support day care centers, adult day health centers, or approved Alzheimers centers.

The ADCFP desires to enhance the health and well being of all adult day care participants by ensuring access to nutritious meals. This program provides supplemental funding to assist centers in providing a quality nutrition program. A State law enacted in 1995 specified that ADCFP reimbursement is to be supplemental to other funding. Agencies are to use it to improve meal quality, enhance service to the clients, or to increase participation. You can claim reimbursement for up to two meals and one snack, or two snacks and one meal, for each eligible participant, each day.

Meals claimed for reimbursement must meet specific guidelines, and agencies must maintain specific eligibility, menu and meal production records to substantiate the reimbursements received from ADCFP.

The ADCFP is a part of the Child and Adult Care Food Program administered nationally by the United States Department of Agriculture (USDA) and governed by 7CFR Part 226. The Department of Education, Nutrition Services Division administers it in the State of California. For additional information or assistance, you may contact the ADCFP Unit at (916) 445-0850 or toll free at (800) 952-5609.

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To file a discrimination complaint, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD).
USDA is an equal opportunity provider and employer."

WHAT TYPES OF AGENCIES MAY APPLY?

- A private nonprofit agency must have tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954; or be moving toward such status.
- A public agency.
- An independent nonprofit center may apply for sponsorship using its own Internal Revenue Service nonprofit status.

Public or private nonprofit agencies may apply to administer the ADCFP in one or more centers that are under the legal jurisdiction of the agency. This type of agency may also apply to administer the ADCFP in one or more centers that are NOT under the legal jurisdiction of the agency, but each independent center must meet the center eligibility requirements. No administrative funding is available.

- A for-profit agency may apply to serve as a sponsoring organization for one or more centers that have the same legal identity as the agency and receive Title XIX or XX funds for at least 25% of the clients in each center. You must submit documentation of Grant Awards showing funding under Title XIX or XX with the application. A for-profit organization may not sponsor proprietary Title XIX or Title XX centers that are legally distinct from the organization. However, an independent proprietary (for-profit) center may apply for self-sponsorship if it receives funding for adult clients under Title XIX or Title XX.

Each type of agency or center can be a **Sponsor**. Each sponsor must agree to accept full administrative and financial responsibility for the operation of the ADCFP at all facilities approved under its sponsorship.

CENTER ELIGIBILITY

A Site Information Sheet, NSD 5051, must be completed for each site submitted for approval. Each participating center may serve breakfasts, lunches, suppers and supplemental foods (snacks) that meet prescribed nutritional standards outlined in Schedule B. You must indicate each meal service proposed at the site on the Site Application.

Each center must be licensed or approved to operate by a federal, state or local government agency. All licenses must be current. A copy of each license or proof of approval to operate must accompany the application.

In addition, a for-profit center may participate as a proprietary Title XIX or Title XX center only if at least 25 percent of its enrolled eligible participants are beneficiaries of one or the other types of funding. Title XIX and Title XX beneficiaries are individuals for whom a center receives the funds.

Eligibility of the center must be established under one source. Once a proprietary center is determined eligible to participate, it can only claim reimbursement during months when at least 25 percent of its enrolled participants are Title XIX or Title XX beneficiaries. Meals cannot be claimed any month the level falls below 25 percent.

ADULT MEAL PATTERN

The purpose of ADCFP is to assist centers in providing quality meals meeting the nutritional needs of center participants. The Schedule B displays the required ADCFP meal pattern. Each major meal or supplement (snack) must contain at least the minimum quantities of specified food components. The Schedule B is part of the Agreement, and compliance with these minimum requirements is mandatory. We will provide technical assistance on menu development, meal quality and records management.

Agencies should be aware that the ADCFP meal pattern requirements may not be the same as

the California Title 22 (licensing) or Federal Title III(c) (Senior Nutrition Program) meal pattern requirements. Also, for clients with medically restricted or adapted diets, the center must obtain a dietary prescription from a recognized medical authority and serve meals meeting the medical requirements or we cannot reimburse the meal.

MEAL CHARGES

Agencies serving meals at no separate charge to enrolled adults must serve the same meals to all enrolled adults regardless of race, color, national origin, age, sex, or disability. The only exception to the "same meal" would be for documented medical adaptation.

Agencies who charge separately for meals must offer the same meal to all enrolled adults, and serve the same meals free, or at a reduced price, to enrolled adults who are eligible for free or reduced price meals as determined by the current California Eligibility Scale. A detailed *Free and Reduced-Price Policy Statement* is required. NSD 7101 must be requested from the ADCFP Unit and submitted with the application.

COMMODITIES/CASH-IN-LIEU

Agencies may choose to receive, in addition to regular federal and state reimbursement, either commodities or cash-in-lieu of commodities for every lunch and supper reimbursed under the ADCFP. Commodities are surplus foods donated by USDA to nutrition programs. To receive commodities, the agency must first enter into a separate agreement with the Food Distribution Unit. Cash-in-lieu of commodities is a program that provides additional reimbursement for each lunch and supper reimbursed under the ADCFP. The cash-in-lieu amount is the estimated per meal cash value of commodities.

REIMBURSEMENT AND CLIENT ELIGIBILITY PROCESS

"Reimbursement" means financial assistance paid or payable to agencies for meals served to eligible adults. We will make reimbursement payments monthly based upon claims submitted by the sponsor (agency). We will pay reimbursement based upon the assigned reimbursement rates times the number of meals served to eligible participants.

Reimbursement rates will be based on the individual meal category of the eligible participants being served as determined by the current Eligibility Scale. Before claiming meals at other than base rate reimbursement, current eligibility and meal category documentation must be collected and certified by the sponsor.

USDA adjusts reimbursement rates annually to reflect changes in the Consumer Price Index. For the sake of clarity, meals served to participants who are eligible for free meals are called "free" meals; meals served to participants who are eligible for reduced-price meals are called "reduced-price" meals; and those served to participants who are not eligible for either free or reduced-price meals will be called "base" meals. This breakdown is termed the meal category eligibility.

An eligibility roster containing the name and meal category of each enrolled, participating adult must be completed for each month in which you report meal category eligibility on the claim form. Each participating site must also maintain a daily record of meals served to eligible adults by type of meal. There are currently two methods of claiming allowed under the Program; "fixed percentage method" and "actual count method".

ADVANCE PAYMENTS

An advance payment is the estimated monthly reimbursement issued before it actually being earned. Except time lines in disbursing advances to sponsored sites, all conditions that apply to monthly reimbursement (i.e., allowable expenditures) also apply to the cash advance. We intend the advance to relieve cash flow problems and issue it upon request on a one-time basis only and adjusted monthly by the CDE claims payment section.

CIVIL RIGHTS REQUIREMENTS

All participating agencies must comply with the Civil Rights Act of 1964, the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1994, Title IX of the USDA Administrative Regulations and the Age Discrimination Act of 1974. No otherwise eligible adult shall be denied ADCFP benefits because of race, color, national origin, gender, religion, age, disability or political beliefs.

CONTRACTS FOR VENDED MEALS

If meals claimed under the ADCFP are vended, you must submit a copy of the contract or agreement for the current fiscal year with the application package. Sponsors contracting with a Commercial Vendor for meals that will cost a total of \$10,000 or more during the ADCFP fiscal year must comply with the regulations, 7 CFR Part 226.21 and 226.22. We allow agencies up to one year from the initial application approval date, or to the end of their existing vending contract to comply with the contracting requirements of the regulations. We may require that agencies have their current vendor agree to an addendum of their current contract/agreement if the document does not contain a guarantee that the commercial vendor will not: 1) subcontract the production of the meal, or 2) use Title III(c) funds to subsidize the cost of the meal being reimbursed by ADCFP.

If your agency has not awarded a contract at the time of application, please contact the ADCFP Unit for a sample of contract and vending agreement that meet federal requirements.

TITLE III(c) FUNDING

If a center receives Title III(c) funding for lunches or if a Senior Nutrition Program (SNP) or Nutrition Program for the Elderly (NPE) provides TITLE III(c) subsidized lunches to clients in the center, the same meals cannot be claimed for reimbursement under the ADCFP. However, lunches served, in either situation, that are not Title III(c) subsidized may be claimed under ADCFP. For instance, your center has 30 eligible enrolled adults, 20 of whom are receiving SNP or NPE subsidized lunches. The 10 clients who are not receiving the subsidized lunches may be claimed for lunch under the ADCFP, even if the nonsubsidized lunches were purchased from the SNP or NPE (at a nonsubsidized rate, of course). Also the eligible, enrolled clients receiving Title III(c) lunches may receive other meals (up to two plus one) that are reimbursable under ADCFP.

AUDIT REQUIREMENTS

Agencies participating in the Program must meet the requirements of the Single Audit Act as amended in 1996. It specifies that any agency expending more than \$300,000 a year in federal funds from one or more sources must have an organization-wide audit performed according to the uniform audit standards. Agencies not required by Office of Management and Budget to undergo an organization-wide audit, could be subject to a limited scope audit. The CDE, Audits and Investigations Division will conduct and fund the limited scope audit. For-profit, proprietary agencies that participate will be audited by CDE every two years.